

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6311-Cr-Huck/Brown

UNITED STATES OF AMERICA,

Plaintiff,

vs

CLARENCE LARK, et al.,

Defendants.

JOINT DEFENSE RESPONSE RE:
JURY QUESTIONNAIRE

The Defendants, by and through their undersigned joint representative, hereby responds to the Court's Proposed Jury Questionnaire and would state the following:

1. Undersigned counsel worked diligently with Assistant United States Attorney Michael Dittoe to submit the original Questionnaire.
2. AUSA Dittoe informed undersigned counsel that the Court felt the Questionnaire was too long and too personal. Undersigned counsel spent enumerable hours revising the original 38-page, 88-question Questionnaire thus reducing it to 18 pages and 32 questions. Counsel did this independent of the government since we were unable to arrange meetings.
3. A completed draft was forwarded to the United States Attorney's office on February 28, 2001. Repeated telephone calls were made to see whether an agreement could be reached and finally on March 13, 2001 a fax was sent requesting a response or in the alternative, that the revised Questionnaire would be submitted to the Court on the 14th of March 2001. A copy of the fax cover sheet is attached hereto.

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4. On the evening of March 13, 2001, Assistant United States Attorney Michael Dittoe and undersigned counsel communicated at which point Mr. Dittoe agreed to the contents of the revised Questionnaire.

5. On Friday, March 14, 2001 counsel was informed that the Court had prepared its own Questionnaire and received a faxed copy thereof. While counsel is in general agreement with the contents, there are certain questions which we suggest are essential and should be added. A copy of the revised Questionnaire is enclosed for the convenience of the Court, if the Court should accept the additions suggested by counsel as follows:¹

- A. Question 2CT asks when the person became a United States citizen, however, omits the question of how long they lived here. It is somewhat relevant to know if a person lived in the United States as a permanent residence for forty years and then became a citizen, as opposed to a person who met the minimum three years for married to U.S. citizen or five years not married to U.S. citizen residency requirement.
- B. There is no reference to Labor Unions which is an essential part of the indictment against Clarence Lark and Larry Crenshaw. The jury's attitude toward Labor Unions is extremely important. In this regard, counsel would request that Question 18DF, 19DF, and 20DF from

¹ The Court's questions will be referred to with the number and "CT". Defense questions will be referred to with the number and "DF".

pages 13-14 of our revised Questionnaire be included.

- C. Questions of prejudice against African-Americans and Italians is omitted. Counsel requests Question 23DF from page 15.
- D. Question 39CT asks a general question which is not specific to the case as to the charges. Counsel would request that questions 24DF, 25DF at page 16 dealing specifically with narcotics charges be asked. Jurors are often unable to deal fairly with charges relating to drugs.
- E. The defense would request that information be given as to whether or not anyone assisted the juror in completing the Questionnaire. This is often very indicative of the juror's ability to understand the case. If one does not understand the Questionnaire, one might have a great deal of difficulty understanding the case. It is suggested that all parties, the government, the defense and the Court wish to have jurors with knowledge and understanding. Therefore, it is requested that question 32DF at page 18 be included.

6. All counsel appreciate the courtesy which the Court has extended and the hard work placed into this and while wordings may differ, the Court's Questionnaire is excellent. However, the preceding additions we feel are necessary in attempting to select a fair and impartial jury.

I hereby certify that a true and correct copy of the foregoing was delivered by mail this 15th day of March 2001 to all counsel listed on the attached Service List. Copies of the Questionnaires provided to counsel upon request.

Respectfully submitted,

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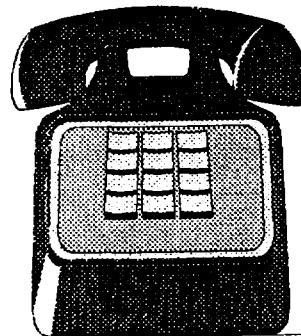


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From: Donald I. Bierman, Esquire

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Pages: 1 including this cover sheet

Date: March 13, 2001

Our File #: 00-1103 (Clarence Lark)

Additional Comments: On 2/28/01 I forwarded my revised jury questionnaire. If I do not hear from you by end of business today, I will assume you have no further changes and will submit it to the Judge tomorrow, 3/14/01. Thanks. DIB

Original will _____ will not X follow.

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CASE NO. 00-6311-Cr-Huck

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PROPOSED JUROR QUESTIONNAIRE
United States of America v. Lark, et al
Case No. 00-6311-Cr-Huck

TO THE PROSPECTIVE JUROR:

The information which you give in response to this questionnaire will be used only by the court and the parties to select a qualified jury. After a jury has been selected, all copies of your response to this questionnaire will be returned to the Clerk of the Court and kept in confidence; under seal. The attorneys are under orders to maintain the confidentiality of any information they learn in the course of reviewing this questionnaire.

Please answer each question as completely and accurately as you can. Your complete written answers will save a great deal of time for the Court, the parties and you. There are no right or wrong answers to the questions. In order to ensure that our answers are not influenced by the opinions of others, **you should fill out the questionnaire by yourself without consulting or talking with any other person.**

You are expected to sign your questionnaire, and your answers will have the effect of a statement given to the court under oath. What is needed is your very best, honest effort to answer the questions contained in the booklet.

If you cannot answer a question because you do not understand it, write "Do not understand" in the space after the question. If you cannot answer because you do not know, write "Do not know" in the space after the question. If you need extra space to answer any question, please use the extra blank sheets of paper included at the end of the questionnaire. Be sure to indicate on the blank page the number of the question you are answering.

If you feel that any question requires an answer which is too sensitive (personal or private) to be included in a public record or discussed in open court, simply write "private" in the left margin next to your answer and the questioning on that topic will be held in private, out of the presence of the other prospective jurors.

The sole purpose of the questionnaire is to encourage your full expression and honesty, so that all parties will have a meaningful opportunity to select a fair and impartial jury to try the issues in this case. Thank you for your full cooperation. It is of vital importance to the Court.

PAUL C. HUCK
UNITED STATES DISTRICT JUDGE

Juror Number: _____ Date: _____
(The number is your summons.)

1. Please give the following information:

Name: _____
Last _____ First _____ Middle _____

Gender: _____ Age: _____

Male _____ Female _____ Place of Birth: _____

- a. If you were not born in the United States, what year did you come here?
-

Marital status: (If divorced, please check divorced, not single)

Married Live with significant other
 Separated Divorced
 Remarried Widowed
 Never married.

Do you have any children or step-children?

Yes No

If yes, please state:

Sex Age Child living with you? Level of education? Occupation

What is the highest level of education you completed?

- | | |
|--|---|
| <input type="checkbox"/> Grade School or less | <input type="checkbox"/> Less than 2 years of college |
| <input type="checkbox"/> Some high school | <input type="checkbox"/> More than 2 years of college |
| <input type="checkbox"/> High School graduate | <input type="checkbox"/> College graduate |
| <input type="checkbox"/> Technical or business
School | <input type="checkbox"/> Post graduate degree |

- a. If you attended school after high school, including any trade or vocational schools, please list the type of school, your major area of study and any certificates or degrees that you received:

Your race or ethnic background?

- | | |
|--|--|
| <input type="checkbox"/> Hispanic | |
| <input type="checkbox"/> African-American | |
| <input type="checkbox"/> Caucasian | |
| <input type="checkbox"/> Native American | |
| <input type="checkbox"/> Asian/Filipino/Pacific Islander | |
| <input type="checkbox"/> Other (please specify) _____ | |

2. Are you currently

- | | |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> Employed | <input type="checkbox"/> Student |
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Disabled |
| <input type="checkbox"/> Retired | <input type="checkbox"/> Homemaker |

- a. If you are now employed:

Name of employer and location of job:

Job Title: _____

Duties (describe briefly): _____

How long have you worked at your current job? _____

- b. If you (a) have been with your current employer less than five years or
(b) if you checked unemployed, retired, disabled or student, please
answer the following questions about last position:

How long were you at this job?

Termination date: _____

Reason for termination:

Name of employer and location of job:

Job title: _____

Duties (describe briefly)

3. Have you ever owned your own business?

Yes, currently Yes, in the past No

If yes, what type of business?

If in the past, how did you discontinue your business?

4. If you checked married or living with a significant other in question #1, please tell us about the other person:

Is he/she: Employed Student
 Unemployed Homemaker
 Retired Disabled

- a. If a student, area of study:

- b. If employed, name of employer and location of job:

Job title: _____

Duties (describe briefly)

Does the job involve management or supervision?

Yes No

If yes, how many people? _____

How long at current job? _____

- c. If spouse or significant other is retired, unemployed or disabled, please list his/her last job description:

Duties (describe briefly)

How long ago did he/she leave that job? _____

- d. If divorced or widowed, what kind of work did your spouse or partner do?

5. In terms of your political outlook, do you usually think of yourself as

very conservative somewhat liberal
 somewhat conservative very liberal
 middle of the road

Have you ever had any previous experience as a juror or a grand juror?

Yes No

If yes, please state:

- A. Jury:

<u>Year</u>	<u>Civil/ Criminal</u>	<u>Federal /State</u>	<u>Type of case?</u>	<u>Reach a Verdict?</u>	<u>If not, why?</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Were you ever a foreperson of any of these juries?

Yes No

- B. Have you or a member of your immediate family ever served on a federal or local grand jury?

Yes No

If yes, please state the nature of that jury as well as when and where you served:

- a. Were you or they a member of the grand jury that handed down the indictment in this case?

Yes No

6. Do you have any current physical, medical (including difficulty in seeing or hearing) or emotional problems which may make it difficult for you to serve as a juror?

Yes No

If yes, please explain:

7. Is English your native language?

Yes No

- a. If no, what is your native language? _____

Do you understand the English language?

Yes No

Do you speak the English language?

Yes No

Do you read the English language?

Yes No

b. How do you rate your ability to read and speak English?

Very good Good Minimal

c. Do you understand, speak, read and/or write any language other than English?

Yes No

If yes, indicate what other language(s):

8. Do you or any family members have any bumper stickers on your car(s) or messages on your T-shirt(s)?

Yes No

If yes, what do the bumper stickers or T-shirt(s) say?

9. Do you regularly watch the 6:00 P.M. or the 11:00 P.M. local and/or national news on television?

Yes No

Do you watch any of the following programs (check all that apply)?

60 Minutes 20/20 Nightline

Frontline America's Most Wanted

Dateline Other news/docudrama show.

Specify: _____

10. Do you read the newspaper:

Daily 2-3 times/week

Occasionally Seldom or never

What newspaper do you read?

11. Have you, or have any of your friends or relatives, ever been an official or employee of the United States Government or of any state or local government agency or department, either in a civil or law enforcement capacity, including for example, the City of Miami or the U.S. Postal Service?

Yes No

If yes, who?

Relationship to you:

What agency or department?

12. Have you ever been in court or involved in giving a legal statement before, other than for a minor traffic violation?

Yes No

If yes, what were the circumstances:

13. Have you or anyone in your family ever been a party to a lawsuit?

Yes No

If yes, who (relationship to you)

Were you the party who sued

Or the party who was sued

What type of lawsuit was it and what was the outcome?

14. Have you, a family member or close friend ever been accused of, charged with, or convicted of any crime, or been the subject of a criminal investigation, other than a minor traffic violation?

Yes No

If yes, please state the date, crime, charging authority and the outcome?

If yes, do you feel that you, the family member or friend was justly accused, charged, convicted or investigated?

Yes No

Please explain:

15. Have you or any member of your immediate family ever been audited or had a dispute with any agency or department of the United States Government (including the IRS, INS, Social Security Administration, Veterans Administration, etc.)?

Yes No

If yes, do you believe you were treated fairly?

Yes No

Please explain:

16. Have you, a family member or close friend ever been the victim of any crime?

Yes No

If yes, please describe who was the victim and what the crime was:

a. Was anyone arrested? Yes No

If yes, what was the outcome?

b. If there was a trial, did you testify?

Yes No

c. Were you satisfied with the way law enforcement handled the matter?

Yes No

Please explain:

17. Do you know people involved in the prosecution or defense of criminal cases?
If so:

(A) Do you know any private criminal defense attorneys, public
defenders, Legal Aid lawyers, paralegals, investigators or anyone
else involved in criminal defense work?

Yes No

If yes, please list their name(s), the type of legal work they do, where they work and their relationship to you:

(B) Do you know any State Attorneys, Assistant State Attorneys, U.S. Attorneys, or Assistant U.S. Attorneys, or any other type of prosecutor?

Yes No

If yes, please list their name(s), the type of legal work they do, where they work and their relationship to you:

18. Are you a member of any Labor Union? Yes No

Have you ever held office in that Labor Union? Yes No

Have you ever had any difficulty with the officers of your Union?

Yes No

Do you believe that the Labor Union officers do a good job for their members and the public?

Yes No

Have you as an employer or owner/manager of a company ever had dealings with Labor Unions?

Yes No

If the answer to any of the above questions is yes, please explain. What feelings are you left with about Labor Unions?

19. As a general matter, do you feel that the Teamsters Union and other Unions are honest organizations?

Yes No

Please explain: _____

20. Have you ever heard or are you personally acquainted with any of the following defendants?

Clarence Lark _____ Larry Crenshaw _____ William Garcia _____

Curtis Newton _____ John Gallo _____ Charlie Hall _____

Ricardo McHorne _____ Keith Lampkin _____ Lawrence Seymore _____

If yes as to any, please explain and state whom: _____

21. Have you seen, read or heard anything about this case?

Yes No

If yes, please state what you remember reading or hearing about the case.

Have you formed an opinion as to the guilt or innocence of any of the defendants?

Yes No

If yes, what opinion have you formed and on what is it based?

22. Do you know of any reason why you may be prejudiced for or against the government or for or against the defendants because of the nature of the charges?
-
-

23. Do you feel that you would have any problem sitting impartially as a juror in a case where a defendant is of **Italian** extraction? **African-American**?

Italian Yes No

African-American Yes No

24. This case involves allegations regarding the importation of narcotics. Do you feel that you would have any problem sitting impartially as a juror in a case where the defendants are charged with narcotics offenses and/or money laundering involving narcotics proceeds?

Yes No

Have you or any member of your family ever been addicted to narcotics?

Yes No

If yes, please explain: _____

If yes, would this result in your inability to judge a case involving charges of narcotics fairly? _____ Yes _____ No

Have you ever been a member of any anti-drug organization?

_____ Yes _____ No

25. Do you feel that you would have any problem sitting impartially as a juror in a case where a defendant(s) and/or witness(es) were employed in the adult movie industry?

_____ Yes _____ No

26. If you were representing either party in this case, that is, either the government or the defendant(s), is there any reason why you would not want to have the case decided by someone with your beliefs, background or frame of mind?
-
-

27. Do you know, or are you familiar with, any of the attorneys listed below:

Donald I. Bierman	_____	William J. Cone, Jr.	_____
Paul D. Lazarus	_____	Steve Kassner	_____
Guy Speigelman	_____	Bruce H. Lehr	_____
Reemberto Diaz	_____	Larry Hanfield	_____
James D. Henderson	_____	Martin R. Raskin	_____
Assistant United States Attorney Michael Dittoe	_____		

If yes, please identify and state how you are familiar with that person:

28. This trial may take up to six weeks. Do you have any serious problem sitting as a juror in a case that may take up to six weeks to complete?

_____ Yes _____ No

If yes, please explain any problems you might have:

29. Other than the possible length of the trial, do you have any other concerns or reservations about sitting as a juror in this case, or can you think of any reason why you could not be a fair and impartial juror in this case?

Yes No

If yes, what are those concerns or reservations?

30. Do you have any health problems (e.g. eyesight, hearing, emotional, etc.), are you taking medication or do you have any other condition that might affect your concentration during the trial?

Yes No

If yes, describe the health problem(s), medication or other condition and its effect upon you:

Would any such medication or physical impairment make it a hardship for you to sit on the jury?

Yes No

31. Is there anything you can think of that you should bring to the court's attention regarding your service as a juror on this case?

Yes No

If yes, please explain:

32. Have you consulted with anyone in order to complete this questionnaire?

Yes No

If yes, with whom did you consult and why?

I declare under penalty of perjury that the answers I have given are true and correct.

Signature

Juror Number

We realize that we have imposed on your time in responding to this questionnaire, and we thank you for your attention and honesty in its completion. We assure you that it will assist the Court in selecting a fair and impartial jury.

Thank you.